REMARKS

Favorable consideration and allowance of the claim of the present application are respectfully requested.

Status of the Claims

Claims 1- 21 are pending in the application, of which Claims 1-20 are canceled and Claim 21 is previously presented. No new matter has been added.

Claim Rejections – 35 USC § 103(a)

Claim 21 is rejected under 35 USC § 103(a) as being unpatentable over Marco et al. (U.S. Patent No.: 7,203,741, hereinafter *Marco*) in view of Welder et al (U.S. Patent No.: 6,374,253, hereinafter *Welder*).

In particular, the Examiner alleges that *Marco* teaches all limitations of Claim 21, except for the limitation of notifying originator client device of the investigation request message of the identify of the first intercepting intermediary index server, which is allegedly taught in *Welder*.

The rejection is respectfully traversed.

The present application is drawn to a method that enables an originator client to obtain a file from another client that is nearby. This application is based on a file sharing network consisting client nodes, intermediary index servers and a root server that form a tree structure (See Specification, page 12, lines 18-19). In doing so, the client nodes investigate the structure of the tree so that each node of the tree registers obtain the information of its parent and children. After that, when a client node requests a file, the knowledge of the tree structure of the file sharing network will ensure that the requested file will be retrieved from a nearby node of the network.

Marco, however, merely discloses a file retrieval method in a network that does not have or require a tree structure, in which "acceleration servers" are intermittently provided. The acceleration servers will keep a copy of certain files when such files are transferred in the network and later when they detect requests for the same files on the network, instead of delivering the request, they will send the kept copies of the requested files to the requesting client, thus saving network resources. As such, *Marco* at least fails to teach the following limitations of Claim 21:

First, *Marco* fails to teach the investigating steps recited in both steps a and b, in which the parent indexing servers are registered (See Claim 21, step a, "...*registering the first intercepting intermediary index server as a parent of said originator client device...*"; see also in step b, "... *registering any further intercepting intermediary indexing server as a parent indexing server...*") The Examiner refers to column 6, lines 23-5 of *Marco* as teaching the aforementioned limitations. However, respectfully, the Examiner's understanding is incorrect because the cited reference clearly fails to teach registering parent servers in the step of investigating.

Second, *Marco* fails to teach the root server as recited in step d of Claim 21. The Examiner also refers to columns 6-7, lines 23-5 of *Marco* as teaching this limitation. Again, respectfully, the Examiner's understanding is incorrect because *Marco* does not teach a root server.

Further, *Marco* fails to teach step e of Claim 21, in which the previously registered parent/children information is used to guide the determining steps (See Claim 21, step e, "... *determining if any other children index server ...finds this requested file...*"; also in step e, "... *requesting a parent index server...to find this requested file...*"). The Examiner refers to

columns 6-7, lines 56-27 of *Marco* as teaching step e. Once again, Applicant fails to find any teaching or suggestion on parent/children index server in passage of the reference cited by the Examiner and respectfully believes the Examiner is incorrect in holding that *Marco* teaches the aforementioned limitations of Claim 21.

In sum, Applicant believes *Marco* fails to teach the relevant limitations of Claim 21 as alleged in the Office Action. Even if the reference *Welder* teaches the notifying step as alleged in the Office Action, *arguendo*, it fails to cure the deficiency of *Marco*. Therefore, Applicant believes Claim 21 is in condition in allowance.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued.

If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

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